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RECEIVED
SUPERIOR COURT
YAVAPAI COUNTY, ARIZONA

2010 OCT 28 PM 4:29 ✓

CLERK

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA *Jury Rios*

IN AND FOR THE COUNTY OF YAVAPAI

6 STATE OF ARIZONA,

7 Plaintiff,

8 vs.

9 STEVEN CARROL DEMOCKER,

10 Defendant.

CAUSE NO. CR V1300CR201080461

RESPONSE TO MOTION TO
EXTEND RULE 12.9 TIME

Superior Court Division 6

11 THE STATE OF ARIZONA, by and through Sheila Polk, Yavapai County

12 Attorney and her deputy undersigned, respectfully request the Court deny defendant's motion for
13 an extension of time to file a Rule 12.9 motion.
14

15 MEMORANDUM OF POINTS AND AUTHORITIES

16 FACTS:

17 Defendant was indicted by a Yavapai County Grand Jury on September 29, 2010.
18 Defendant's EDC arraignment was on September 30, 2010. The grand jury transcript was
19 certified on October 5, 2010. The State made full disclosure on October 6, 2010. Defendant's
20 attorney announced on October 27, 2010, that due to a conflict of interest he must withdraw from
21 this case.
22

23 Arizona Rules of Criminal Procedure, Rule 12.9(a) permits a motion for a new finding of
24 probable cause on the grounds he was denied a substantial procedural right. A motion under Rule
25 12.9(a) may only be filed after an indictment is returned and no later than 25 days after the
26

1 certified transcript and minutes of the grand jury proceedings have been filed or 25 days after the
2 arraignment is held, whichever is later.

3 The defendant sets forth no explaining on what efforts, if any were taken since the date the
4 transcript was certified to the date of withdrawal (22 days) justifying an extension of additional
5 30 days to challenge the grand jury proceedings. The defendant has failed to provide any
6 showing of good cause as to why he should be granted an extension to the-25 day limit imposed
7 by Rule 12.9, *Ariz. R. Crim. P.*
8

9 This is not a complex case and the defendant has had all the information necessary since
10 his receipt of the grand jury transcript on October 5, 2010 to challenge the grand jury
11 proceedings.
12

13 CONCLUSION

14 Without the requisite showing of good cause, the State respectfully requests this Court deny
15 the defendant's motion for an extension of time to challenge the grand jury proceedings.
16 Defendant has failed to state "the specific factual grounds...indicating the precise legal points,
17 statutes, and authorities relied upon" to support his motion as required under Rule 35.1(a), *Ariz. R.*
18 *Crim. P.* Therefore, the State requests this Court deny defendant's motion.
19

20 **RESPECTFULLY SUBMITTED**, this 28th day of October, 2010.

21 **Sheila Sullivan Polk**
22 **YAVAPAI COUNTY ATTORNEY**

23 By: 
24

25 **JEFFREY G. PAUPORE**
26 Deputy County Attorney

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COPY of the foregoing mailed this
28th day of October, 2010, to:

Craig Williams
Attorney for Defendant

By: Jeannette Holm